



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Amit Ramchandran ) Group Art Unit: 2182  
Serial No.: 10/626,833 ) Examiner: SORRELL, ERON J  
Filed: July 23, 2003 ) Confirmation No.: 9239  
For: ADAPTABLE DATAPATH FOR A ) Date: May 2, 2007  
DIGITAL PROCESSING SYSTEM )

**STATEMENT IN SUPPORT OF PETITION TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No response to the final Office Action mailed June 23, 2006 was filed by Applicant for the above-identified application. Applicant hereby respectfully submits a "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)", a Declaration of David R. Stevens, and a Declaration of Marc Kaufman. A copy of the Notice of Abandonment mailed on January 23, 2007 for the above-identified application is submitted herewith as Exhibit A. Applicant also submits herewith a Statement under 37 CFR 3.73(b) and a Revocation of Power of Attorney and Appointment of New Power of Attorney appointing the undersigned's firm as new counsel of record. Applicant also hereby respectfully submits a Continuation application under 37 CFR 1.53(b) along with a Preliminary Amendment herewith in reply to the final Office Action mailed June 23, 2006 for filing upon revival of the above-identified application.

Note 7 in the Notice of Abandonment in Exhibit A states that "Confirmed abandonment with applicant via telephonic interview on 1/18/07". The undersigned attorney for Applicant spoke with the Supervisory Examiner Kim Huynh on April 27, 2007 and she said that she had spoken with the Examiner in the case and he indicated that Note 7 merely indicates that he confirmed with a docket clerk that no response was filed to the final Office Action mailed June

23, 2006. That is, Supervisory Examiner Kim Huynh indicated to the undersigned that Examiner Sorrel only confirmed that no response was filed to the final Office Action mailed June 23, 2006 and was not meant by the Examiner to indicate anything about intent of the Applicant. Moreover, Applicant respectfully submits that, based on the attached declarations, counsel who had authorization to speak on behalf of the Applicant at the time of the abandonment, declares that he did not speak with the Examiner on January 18, 2007 regarding the abandonment or the reasons therefor.

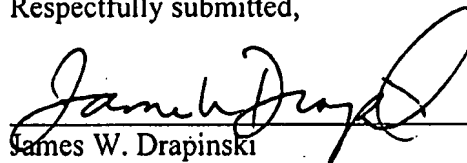
As established by the attached Declarations, the failure to file a response to the Office Action was inadvertent and unintentional. Further, based on the attached Declarations, Applicant submits that the entire delay in filing a response to the final Office Action letter mailed June 23, 2006 from the December 23, 2006 statutory due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Applicant respectfully requests, therefore, that the above-identified application be revived. Applicant respectfully requests that, upon revival, the Continuation application submitted herewith be accorded a filing date and the Preliminary amendment submitted herewith be entered. Applicant respectfully requests that the above-identified application be expressly abandoned as of the filing date accorded the Continuation application submitted herewith.

In the event that it should be determined that payment is not properly included, or that an extra fee is required, the Commissioner is hereby authorized to charge any additional necessary fees in connection with this proceeding to Deposit Account No. 50-3557.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,

  
James W. Drapinski  
Registration No. 46,242

May 3, 2007  
Date  
NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(415) 984-8200



Docket No.046301-088000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: )  
Amit Ramchandran ) Group Art Unit: 2182  
Serial No.: 10/626,833 ) Examiner: SORRELL, ERON J  
Filed: July 23, 2003 ) Confirmation No.: 9239  
For: ADAPTABLE DATAPATH FOR A )  
DIGITAL PROCESSING SYSTEM )

**DECLARATION OF DAVID R. STEVENS**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, David R. Stevens, declare that I am a lawful age and if called upon to testify, I could and would competently testify to the facts set forth herein, namely:

1. I am a partner in the law firm Stevens Law Group and a registered patent attorney, USPTO Reg. No.38,626.
2. The responsibility for the above-identified application was transferred to my law firm from Gamburg Law Group LLC on or about December 15, 2006.
3. My law firm was responsible for filing a response to an Office Action letter mailed June 23, 2006 by December 23, 2006.
4. The failure to file a response to an Office Action letter mailed June 23, 2006 was inadvertent and unintentional.
5. The above-identified application went abandoned inadvertently due to a failure to file a response to an Office Action letter mailed June 23, 2006.
6. Exhibit A attached hereto is a copy of a Notice of Abandonment mailed on January 23, 2007 for U.S. patent application serial number 10/626,833.
7. Note 7 in the Notice of Abandonment in the photocopy of the Notice of Abandonment in Exhibit A states that "Confirmed abandonment with applicant via telephonic interview on 1/18/07".
8. To the best of my knowledge and belief, at no time did the inventor or the assignee

authorize myself or anyone in my firm to let the application go abandoned.

9. To the best of my knowledge and belief, at no time did myself or any member of my law firm represent to the United States Patent and Trademark Office ("USPTO") that the application had been abandoned for any reason.

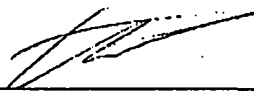
10. I was informed on or about March 19, 2007 that the above-identified application file was to be transferred to new counsel at the law firm Nixon Peabody LLP.

11. The above-identified application file was transferred to new counsel without filing a petition to revive or a response to the Office Action letter mailed June 23, 2006.

12. I declare that any delay in filing a Petition to Revive the above-identified application was unintentional from the time the file was transferred to my law firm and I learned of the abandonment to the time the file was transferred from my law firm to the new counsel.

I declare under the penalties of perjury that the foregoing are true and correct to the best of my knowledge and belief.

May 1, 2007  
Date

  
\_\_\_\_\_  
David R. Stevens



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: )  
Amit Ramchandran ) Group Art Unit: 2182  
Serial No.: 10/626,833 ) Examiner: SORRELL, ERON J  
Filed: July 23, 2003 ) Confirmation No.: 9239  
For: ADAPTABLE DATAPATH FOR A ) Date: May 2, 2007  
DIGITAL PROCESSING SYSTEM )

**DECLARATION OF MARC KAUFMAN**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Marc Kaufman, declare that I am a lawful age and if called upon to testify, I could and would competently testify to the facts set forth herein, namely:

1. I am a partner in the law firm of Nixon Peabody LLP and a registered patent attorney, No. 35,212 responsible for intake of the above-identified application file which was transferred by the assignee to my law firm on or about March 22, 2007.
2. The assignee notified me of discovery that the above-identified application was abandoned.
3. Exhibit A attached hereto is a copy of a Notice of Abandonment mailed on January 23, 2007 for U.S. patent application serial number 10/626,833.
4. Note 7 in the Notice of Abandonment in the photocopy of the Notice of Abandonment in Exhibit A states that "Confirmed abandonment with applicant via telephonic interview on 1/18/07".
5. I and members of my firm promptly investigated the facts with the assignee and their representatives, prior counsels, and the Supervisory Examiner for the application in order to determine whether the attached Petition could be filed.
6. Based on the facts gathered, I determined to the best of my knowledge and belief that the attached Petition could be filed.
7. I declare that any delay was unintentional from the time the file was transferred to my law firm and I learned of the abandonment to the filing of the attached Petition.

I declare under the penalties of perjury that the foregoing are true and correct to the best of my knowledge and belief.

5-3-07

Date

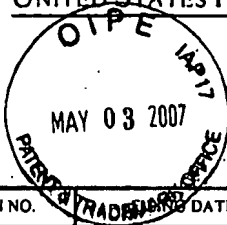
A handwritten signature in black ink, appearing to read 'MK' or similar, written over a horizontal line.

Marc Kaufman

# **EXHIBIT A**



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,833	07/23/2003	Amit Ramchandran	021202-003710US	9239

37490 7590 01/23/2007  
Trellis Intellectual Property Law Group, PC  
1900 EMBARCADERO ROAD  
SUITE 109  
PALO ALTO, CA 94303

EXAMINER

SORRELL, ERON J

ART UNIT PAPER NUMBER

2182

MAIL DATE DELIVERY MODE

01/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.





# **Notice of Abandonment**

Application No.

10/626,833

Examiner

Eron J. Sorrell

Applicant(s)

RAMCHANDRAN, AMIT

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 23 June 2006.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Confirmed abandonment with applicant via telephonic interview on 1/18/07.

  
KIM HUYNH  
SUPERVISORY PATENT EXAMINER

1/18/06

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.